

Anti-Bribery Policy



LEVER LAW
SOLICITORS

Anti-Bribery Policy

1. POLICY STATEMENT

It is our policy to conduct all our business in an honest and ethical manner. We take a zero-tolerance approach to bribery and corruption and are committed to acting professionally, fairly and with integrity in all our business dealings and relationships wherever we operate as well as being committed to implementing and enforcing effective systems to prevent bribery.

Bribery and corruption by individuals are punishable by up to ten years' imprisonment; if we are found to have taken part in bribery or corruption we could face an unlimited fine, be excluded from tendering for public contracts and face severe damage to our reputation. We therefore take our legal responsibilities very seriously.

In the light of the Bribery Act 2010 and in accordance with the *"Guidance about procedures which relevant commercial organisations can put into place to prevent persons associated with them from bribing"* ("Guidance"), published by the Ministry of Justice, we have carried out an assessment to identify the particular risks for our business. Such risks are covered in depth in our Staff Handbook, which is available upon request.

2. SCOPE

This policy applies to all individuals working at all levels and grades, including senior partners/members, managers, officers, directors, employees, consultants, contractors, trainees, home workers, part time and fixed term workers, seconded staff, casual workers and agency staff, volunteers, interns, agents or any other person associated with us, or any of our associated businesses or their employees, wherever located (**"workers"**).

In this policy, **third party** means any individual or organisation you come into contact with during the course of your work for us, and includes actual and potential clients, suppliers, distributors, business contacts, agents, advisers, and government and public bodies, including their advisors, representatives and officials, politicians and political parties.

3. WHAT IS BRIBERY?

Under the Bribery Act 2010 ("the Act") bribery is a criminal offence. In essence, there are four offences created by the Act:

- bribing another person;
- requesting, agreeing to receive or accepting a bribe from another person;
- bribing a foreign public official; and
- commercial organisations failing to prevent bribery.



Bribery is defined broadly in the Act to cover any financial or other advantage offered, promised or given by one person to another, where the intention is to induce or reward someone to perform improperly a “relevant function or activity”.

- “Relevant function or activity” includes any activity connected with a particular business or performed in the course of a person’s employment.

Bribery for the purposes of the Act also includes so called facilitation payments.

- A facilitation payment is a bribe paid to facilitate routine Government action. It is not the same as an official, legitimate fee that may be payable, for example, in order to upgrade a service or to “fast track” an application.
- Although known by a different name (and common in certain other countries), facilitation payments are bribes. We do not condone the making of facilitation payments.

Under Section 7 of the Act, a commercial organisation is guilty of an offence if a person associated with the organisation bribes another person with the aim of obtaining or retaining business for that organisation.

- The offence is one of strict liability - an organisation can be liable even if it (or its management) had no knowledge of the bribery.
- An organisation will only have a defence to an action if it can show that it had adequate procedures in place to prevent bribery.

Should bribery be alleged, the Courts in England and Wales will have jurisdiction over any thing that is alleged to have been done for and on our behalf, wherever in the world it was done.

4. GIFTS AND HOSPITALITY

This policy does not prohibit normal and appropriate hospitality (given and received) to or from third parties. Reference should be made to the office manual when considering issues of client entertainment.

The giving or receipt of gifts is not prohibited, if the following requirements are met:

- (a) it is not made with the intention of influencing a third party to obtain or retain business or a business advantage, or to reward the provision or retention of business or a business advantage, or in explicit or implicit exchange for favours or benefits;
- (b) it complies with local law;
- (c) it is given in our name, not in your name;
- (d) it does not include cash or a cash equivalent (such as gift certificates or vouchers);



- (e) it is appropriate in the circumstances. For example, in the UK it is customary for small gifts to be given at Christmas time;
- (f) taking into account the reason for the gift, it is of an appropriate type and value and given at an appropriate time;
- (g) it is given openly, not secretly; and
- (h) gifts should not be offered to, or accepted from, government officials or representatives, or politicians or political parties, without the prior approval of the firm's managing director.

The test to be applied is whether in all the circumstances the gift or hospitality is reasonable and justifiable. The intention behind the gift should always be considered.

If you are asked to make a payment on our behalf, you should always be mindful of what the payment is for and whether the amount requested is proportionate to the goods or services provided. You should always ask for a receipt which details the reason for the payment. If you have any suspicions, concerns or queries regarding a payment, you should raise these with the firm's managing director.

5. YOUR RESPONSIBILITIES

You must ensure that you read, understand and comply with this policy.

The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for us or under our control. All workers are required to avoid any activity that might lead to, or suggest, a breach of this policy.

You must notify the firm's managing director as soon as possible if you believe or suspect that a breach of this policy has occurred or may occur in the future.

Any employee who breaches this policy will face disciplinary action, which could result in dismissal for gross misconduct. We reserve our right to terminate our contractual relationship with any workers or others undertaking work on our behalf if they breach this policy.

6. RECORD KEEPING

We must keep financial records and have appropriate internal controls in place which will evidence the business reason for making payments to third parties and for hospitality / gifts that are received.

You must ensure all expenses claims relating to hospitality, gifts or expenses incurred to third parties are submitted in accordance with our expenses policy and specifically record the reason for the expenditure. Please speak with the firm's managing director to request the hospitality / gift record.



7. HOW TO RAISE A CONCERN

You are encouraged to raise concerns about any issue or suspicion of malpractice at the earliest possible stage. If you are unsure whether a particular act constitutes bribery or corruption, or if you have any other queries, these should be raised with the firm's managing director. Concerns should be reported by following the procedure set out in our Whistle Blowing Policy. A copy of our Whistle Blowing Policy can be found in the firm's office manual.

8. WHAT TO DO IF YOU ARE A VICTIM OF BRIBERY OR CORRUPTION OR SUSPECT YOU MAY BE

It is important that you tell the firm's managing director as soon as possible if you are offered a bribe by a third party, are asked to make one, suspect that this may happen in the future, or believe that you are a victim of another form of unlawful activity.

We aim to encourage openness and will support anyone who raises genuine concerns in good faith under this policy, even if they turn out to be mistaken.

We are committed to ensuring no one suffers any detrimental treatment as a result of refusing to take part in bribery or corruption, or because of reporting in good faith their suspicion that an actual or potential bribery or other corruption offence has taken place or may take place in the future. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the firm's managing director immediately. If the matter is not remedied, and you are an employee, you should raise it formally using our Grievance Procedure, which can be found within the office manual.

9. MONITORING AND REVIEW

The procedures detailed in the numbered paragraphs above will be the subject of periodic review in light of developments in the law and to ensure they are not based on an unduly restrictive interpretation of the Act.

This policy does not form part of any employee's contract of employment and it may be amended at any time.





Lever Law Solicitors

Carter House, Pelaw Leazes Lane, Durham City DH1 1TB

T : 0191 909 7990 **F** : 0191 909 7992

E : info@leverlaw.co.uk **W** : www.leverlaw.co.uk

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